

REMARKS

Claims 1 – 14, 21 and 22 are pending in the above-identified patent application. Claims 1 – 14, 21 and 22 were rejected in the Office Action dated February 22, 2005. Claims 1, 6, 7, 11 – 14, 21, and 22 are being amended. Claims 15 – 20 and 23 – 28 are canceled. Reconsideration is respectfully requested.

Election/Restrictions

Applicant is canceling claims 15 – 20 and 23 – 28 in this amendment.

Drawings

In section 2 of the Office Action, the Examiner objected to the drawing as the reference character “120b” is not disclosed in the specification. Applicant is amending the specification to include this reference character.

Specification

In section 3, of the Office Action, the Examiner objected to informalities in the specification. Applicants are amending the specification accordingly.

Claim Objections

In sections 5 – 8 of the Office Action, the Examiner objected to claims 6, 7, 13, and 14. Applicant is amending the claims per the Examiner’s suggestions.

Claim Rejections – 35 U.S.C. §112

In sections 9 – 10 of the Office Action, the Examiner rejected claims 7, 12, and 14 under 35 U.S.C. §112, second paragraph for indefiniteness. The claims 7, 12, and 14 are being amended to correct for antecedent basis.

Claim Rejections – 35 U.S.C. §102

In sections 11 – 14 of the Office Action, the Examiner rejected claims 1 – 13, 21, and 22 under 35 U.S.C. §102(b). In response, Applicant is amending claims 1, 21, and 22

to include means for clauses for receiving and capturing biological fluid. The cited art does not teach these means for clauses.

Interview Summary

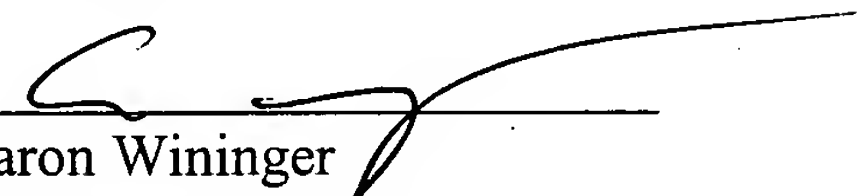
Applicant and Applicant's representative thank the Examiner for the telephonic interview held April 28, 2005. The Examiner stated that adding functional language alone to the claims would not make them overcome the cited art. The Examiner suggested the addition of means plus function limitations to overcome the cited art and Applicant has done so in this office action. Applicant noted that the Examiner did not consider the merits of claim 14 and will consider the merits upon Applicant's response to this office action. Regarding the non-elected claims, the Examiner stated they cannot be re-entered into this application but we could file a divisional or national phase entry of the corresponding PCT application.

Therefore, as all rejections and objections have been overcome, Applicant respectfully requests a Notice of Allowance be issued in this case.

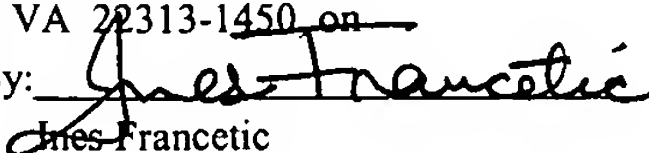
If the Examiner has any questions or needs any additional information, the Examiner is invited to telephone the undersigned attorney at (650) 843-3375.

Respectfully submitted,
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CERTIFICATE OF MAILING

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on
Date: 5/23/05 By: 
James Francetic